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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,921	02/26/2004	Bryan St. Onge	4326-032044	9225
28289	7590	09/30/2004	EXAMINER	
WEBB ZIESENHEIM LOGSDON ORKIN & HANSON, P.C.			ORTIZ, ANGELA Y	
700 KOPPERS BUILDING				
436 SEVENTH AVENUE			ART UNIT	
PITTSBURGH, PA 15219			PAPER NUMBER	
			1732	

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/788,921

Applicant(s)

ST. ONGE ET AL.

Examiner

Angela Ortiz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 13-32 is/are rejected.
- 7) ☒ Claim(s) 9-12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

The disclosure is objected to because of the following informalities: the specification refers to a portion of the drawings as "figs. 4-9"; note that each figure must be listed by number under the heading "BRIEF DESCRIPTION OF THE DRAWINGS", and each further explained in the "DESCRIPTION OF THE PREFERRED EMBODIMENTS". See MPEP 608.01(f).

Appropriate correction is required.

### ***Claim Objections***

Claim 13 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 13 is interpreted as an apparatus claim, and cannot depend from method claim 1.

### ***Claim Rejections - 35 USC § 112***

Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 6, it is unclear to what the term "square face" refers, as the facing step relates to two conduit portions.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 7, 8, 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Spencer, USP 4,507,119.

The cited reference teaches the claimed process and means including butt-welding plastic tubes, the process comprising providing more than one tube end within a block having positioning means for each of the tubes provided and cutting the tubes with a heated fluid to form butt ends for each tube. Contact with the hot fluid makes the ends molten so that when the tubes ends are brought together, the tubes are fused upon contact. Note that the ends of the tubes are positioned facing each other and are aligned by the block positioning means. The tubes used are thermoplastic, and are preferably poly vinyl chloride. See col. 5, line 10 to col. 6, line 25.

Claims 13-18, 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Wermelinger et al., USP 5,241,157.

The cited reference teaches the claimed apparatus including an arrangement for butt-welding PVC plastic material components comprising providing means for removably positioning and aligning two conduit portions to be joined, including a first and second clamping mechanism disclosed as a fixed and moveable chucking device (4,5) for aligning and positioning the portions. The apparatus further comprises means for means for melting the edges of the portions to be joined including a movable heater device (7) that includes at least one plate (13) for heating the conduit portions as desired. The apparatus further includes means for facing the conduit portions comprising a facing mechanism including a moveable cutting tool (20) for pressing against the ends of the conduit portions. The apparatus may be provided with automation means when drives (not shown) are provided for all movements and if a program control is provided. See col. 4, lines 25-27. See also col. 1, lines 35-42; col. 2, lines 1-45, 63-68.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spencer, USP 4,507,119 in view of Turner, USP 4,390,384.

The cited primary reference substantially teaches the basic claimed process including butt-welding plastic tubes, the process comprising providing more than one tube end within a block having positioning means for each of the tubes provided and cutting the tubes with a heated fluid to form butt ends for each tube. Contact with the hot fluid makes the ends molten so that when the tubes ends are brought together, the tubes are fused upon contact. Note that the ends of the tubes are positioned facing each other and are aligned by the block positioning means. The tubes used are thermoplastic, and are preferably poly vinyl chloride. See col. 5, line 10 to col. 6, line 25.

The cited primary reference does not teach removing the burrs from the fused tubes, or molding sequentially tubes to the welded parts.

The added secondary reference teaches as conventional the feature of butt welding plastic parts and removing the burrs or bulbous ends that are formed during the molding step. The detailed method includes forming a weld joint by heating the edges of two thermoplastic parts. After the edges are made molten, they are pressed together to form rounded beads at the weld. Heating and cooling the rounded beads or burrs removes the round edges and prevents weld failure. See abstract, col. 3, lines 35-50; col. 4, lines 5-20.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to remove the burrs from the fused tubes in view of the added reference, when performing the process set forth in the primary reference, for preventing weld failure at the butt joint.

Claims 4-6, 19-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wermelinger et al., USP 5,241,157.

The cited reference substantially teaches the basic claimed apparatus including a mountable arrangement for butt-welding PVC plastic material components comprising providing means for removably positioning and aligning two conduit portions to be joined, including a first and second clamping mechanism disclosed as a fixed and moveable chucking device (4,5) for aligning and positioning the portions. The apparatus further comprises means for means for melting the edges of the portions to be joined including a movable heater device (7) that includes at least one plate (13) for heating the conduit portions as desired. The apparatus further includes means for facing the conduit portions comprising a facing mechanism including a moveable cutting

tool (20) for pressing against the ends of the conduit portions. The apparatus may be provided with automation means when drives (not shown) are provided for all movements and if a program control is provided. See col. 4, lines 25-27. See also col. 1, lines 35-42; col. 2, lines 1-45, 63-68.

The cited primary reference does not teach the claimed features of at least one measurement device, a plurality of heating zones, and molding onto previously molded parts per se.

Note, however, the apparatus set forth in the applied prior art does disclose as conventional the use of heating cartridges equipped with thermosensors, which are connected to a control unit and are used for measuring temperature or heat. Note that the reference also sets forth as conventional the use of heater with a plurality of heating cartridges provided, and being coupled to individual control units, can further provide a plurality of heating zones.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a measurement device as claimed, and include a plurality of heat zones as set forth in the instant claims, in view of the applied reference for measuring temperature and for quickly heating the conduit portions when welding the portions as desired.

With respect to claims 4, 5, to repeat the molding process on previously molded parts would have been obvious to one of ordinary skill in the art at the time the invention was made for making longer conduits depending on the desired application.



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With respect to claims 6, 30, 31, see cutting tool (20) at col. 2, lines 63-68.

With respect to claims 19-21 and 24-25, see col. 4, lines 25-27.

With respect to claims 22-28, see col. 2, lines 24-43.

With respect to claim 29, the apparatus is attached to a conventional base frame member (3); it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a mobile apparatus by providing a mobile base frame member.

### ***Allowable Subject Matter***

Claims 9-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USP's 4933036; 3276941; 3989778; 5464496; 5802689.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela Ortiz whose telephone number is 571-272-1206. The examiner can normally be reached on Monday-Thursday 9:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on 571-272-1196. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Angela Ortiz  
Primary Examiner  
Art Unit 1732

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